

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,

Defendant.


**ORDER DENYING THIRD PARTY
MOTION TO RETURN ART**

Third party victim Modernism Fine Arts Inc. filed a Rule 41 motion to return the art at issue in our case (Dkt. No. 670). After full briefing on the issue, oral argument, and an evidentiary hearing to determine to value of the art, Modernism's motion is **DENIED**.

At the evidentiary hearing, both the government's and the defense's experts severely questioned the authenticity of the Willem de Kooning paintings. Specifically, the sale price at which defendant Luke Brugnara was offered the de Koonings was \$7,000,000. The defense's expert appraised these same de Koonings at \$80,000 and the government's expert testified that they had no commercial value. Therefore, in light of this development, no art will be returned until both of the following have occurred: (1) all of defendant Brugnara's appeals in this case have been exhausted and there is no possibility of a new trial; and (2) the government affirms that it will not prosecute Modernism, its owner Walter Maibaum, or his associate Rose Long in connection with this art.

IT IS SO ORDERED.

Dated: September 2, 2015.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE